IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 7013 of 2005

Between:

Yellampally Satyanarayana S/o.Venkataswamy
Baduguleru Village, Kanigiri Mandal Prakasam district.

..... PETITIONER

AND

1 The District Collector
Ongole , Prakasam district
2 The Joint Collector
Prakasam district Ongole
3 The Revenue Divisional Officer
Kandukur , Prakasam district
4 The Mandal Revenue Officer
Kanigiri , Prakasam district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to May be pleased to issue a writ order or direction more one in the nature of Writ of Mandamus declaring the action of the 1st respondent in not passing orders on the petitioner's stay petition filed in Revision dt.19-3-2005 against the orders of the 2nd respondent issued in Rc./CS2/4274/2004 dt.1-3-2005 in confirming the orders of the 3rd respondent issued in Rc.F/1974/2004 dt.7-10-2004 as illegal, arbitrary Violative of Principles of Natural Justice and consequently stay the proceedings of the 2nd respondent in Rc./CS2/4274/2004 dt.1-3-2005 in confirming the orders of the 3rd respondent issued in Rc.F/1974/2004 dt.7-10-2004 during the pendency of the Revision petition filed by the petitioner in dt.19-3-05 before the 1st respondent and permit the petitioner to continue as Fair Price Shop Dealer of Baduguleru Village, Kanigiri Mandal, Prakasam district and pass such other order or orders.

Counsel for the Petitioner: MR.M.BRAHMA REDDY

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

ORAL ORDER:.

Heard both sides and at their request, this Writ Petition is taken up for disposal at the stage of admission.

This Writ Petition is filed for issuance of writ particularly one in the nature of Writ of Mandamus, declaring the action of the first respondent in not passing orders on the petitioner's stay petition filed in revision dated 19.3.2005 against the orders of the 2nd respondent issued in Rc./CS2/4274/2004 dated 1.3.2005 in confirming the orders of the 3rd respondent issued in Rc.F/1974/2004 dated 7.10.2004, as illegal, arbitrary and consequently stay the proceedings of the 2nd respondent issued in RC/CS2/4274/2004 dated 1.3.2005 in confirming the orders of the 3rd respondent dated 7.10.2004 during the pendency of the revision petition filed by the petitioner dated 19.3.2005 before the first respondent and permit the petitioner to continue as Fair Price Shop Dealer of Baduguleru Village, Kanigiri Mandal, Prakasam District.

Facts seem to be that the petitioner is a Dealer and his authorization was suspended by the competent authority on the ground of certain irregularities. The same was appealed and the appellate authority initially granted interim orders of stay of the order passed by the appointing authority. However, when the matter was posted for final hearing, the matter was decided ex-parte against the petitioner, on the ground that the counsel for the petitioner was not present. Again the petitioner filed a revision before the District Collector, but no order has been passed so far. In fact, for the mistake committed by the counsel in not appearing before the appellate authority, the petitioner ought not to have been put to sufferance. However, it could be seen that eventhough sufficient opportunity had been given, for some reason or the other, the counsel for the petitioner did not appear. Hence, he suffered the order. But the revisional authority ought to have disposed of the revision with utmost expedition. Even that was not done, as a result of which the petitioner is put to great

hardship.

Having regard to the facts and circumstances, this Writ Petition is disposed of with a direction to the first respondent to dispose of the revision with utmost expedition on priority basis preferably within a period of four weeks from the date of receipt of a copy of this order. Till such time, the order passed by the Joint Collector-second respondent dated 1.3.2005 shall stand suspended. No costs.

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D.S.R. VARMA, J

DATED: 01.04.2005

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To

1 The District Collector
Ongole , Prakasam district
2 The Joint Collector
Prakasam district Ongole
3 The Revenue Divisional Officer
Kandukur , Prakasam district
4 The Mandal Revenue Officer
Kanigiri , Prakasam district.

5. Two CCs to G.P. for Civil Supplies, High Court of A.P., Hyderabad, (OUT).

6. Two CD copies.